

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

IN THE MATTER OF:

CYNTHIA M. WILLIMON
License No.: PT. 1935

Respondent.

Case No.: 2013-18

CONSENT AGREEMENT

By agreement of the State Board of Physical Therapy Examiners (hereinafter "the Board") and the above named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(f) (1976, as amended)¹, in lieu of, *inter alia*, a hearing before a hearing officer or panel appointed by the Board. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization, filing, and service of a Formal Complaint and formal hearing procedures.

FINDINGS OF FACT²

1. Respondent is duly licensed and registered to practice in South Carolina as a physical therapist. This license was first issued August 31, 1992, and is currently active. Respondent is subject to the jurisdiction of the Board pursuant to section 40-45-115.
2. Respondent is currently employed at Greenville Hospital Systems in Greenville, South Carolina, as a licensed physical therapist.
3. On Respondent's 2013 license renewal application, Respondent indicated that she had completed the required number of continuing education ("CE") hours for renewal.
4. On August 7, 2013, the Board mailed Respondent a letter that her application was audited for compliance with continuing education requirements for the year ending December 31, 2012. Respondent was requested to submit proof of compliance for 16.4 CE hours needed for renewal. A copy of the August 7, 2013 letter mailed making Respondent aware of the deficiency is attached and incorporated herein as **Exhibit #1**.
5. Respondent did respond to the August 7, 2013 with documentation of CE hours, however those CE hours were acquired in 2013.

¹ Further reference to the South Carolina Code of Laws and South Carolina Code of Regulations shall be by code section only.

² To the extent that any of the following Findings of Fact constitute Conclusions of Law, they are adopted as such, and to the extent that any Conclusions of Law constitute Findings of Fact, they are so adopted.

6. Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

1. Respondent admits that Respondent's actions in this matter constitute a violation of S.C. Ann. §§ 40-1-110(1)(a) and (f) and S.C. Code Ann. Regs. 101-07(1).
2. Respondent waives any further conclusions of law with respect to this matter.

THEREFORE, WITH RESPONDENT'S CONSENT, IT IS AGREED:

1. Respondent's license shall be issued a public reprimand.
2. Respondent's license to practice physical therapy is hereby subject to a **suspension for one (1) year yet stayed when placed in a probationary status for a period not to exceed (5) years** subject to the conditions set forth herein below:
 - a. Respondent shall pay a civil penalty of **One Thousand Seven Hundred and Forty Dollars (\$1,740.00)** within **six (6) months** of the effective date of service for this Agreement. Said civil penalty is not deemed paid until received in full by the Board.
 - b. Respondent shall, within six (6) months from the date of the Board's action on this Agreement, successfully complete a board-approved course in Ethics. The hours received from the Board-approved course **will not** be computed in the calculation of total continuing education requirements for licensure or renewal. Respondent must provide proof of the successful completion of the courses.
 - c. Respondent shall be subject to a CE audit for the next **two (2) renewal periods**.
3. Respondent acknowledges that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement, Respondent voluntarily relinquishes any right to judicial review of Board action(s), which may be taken concerning any related matters.
4. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately *administratively* suspended pending compliance. Non-compliance may also result in further discipline. Any license law violation by Respondent constitutes a failure to meet the conditions of this Consent Agreement.
5. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law.

6. Respondent understands and agrees that if this Consent Agreement is approved, it shall become a public document under the South Carolina Freedom of Information Act § 30-4-10, *et seq.*
7. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Respondent hereby agrees to waive any rights Respondent might have to challenge the impartiality of the Board to hear the underlying complaint based upon prior knowledge obtained by the Board through consideration of this Consent Agreement if, after review by the Board, this Consent Agreement is not approved.
8. Respondent shall, within thirty (30) days, notify the Board in writing of any changes in name, mailing address, or compliance with this Consent Agreement. Correspondence and copies of reports, notices and payments of civil penalties mentioned herein shall be directed to:

SC Dept. of Labor, Licensing and Regulation
ATTN: State Board of Physical Therapy Examiners - Compliance
Post Office Box 11329
Columbia, SC 29211-1329

9. This Consent Agreement shall take effect immediately upon receipt of a fully executed copy by Respondent or counsel for Respondent.

AND IT IS SO ORDERED.

**STATE BOARD OF PHYSICAL THERAPY
EXAMINERS**

10-9-2014
Date

BY: Marilyn M. Swygert, P.T.
Board Chair

(signatures continue on next page)

I CONSENT:

Cynthia M. Willimon
Cynthia M. Willimon
Respondent

9/10/14
Date

Megan Flannery
Megan Flannery
S.C. Department of Labor, Licensing & Regulation
P.O. Box 11329
Columbia, SC 29211-1329
(803) 896-2374

Sept 22, 2014
Date

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF PHYSICAL THERAPY**

In the Matter of:

Cynthia M. Willimon
License No. PT. 1935

Respondent


OIE 2013-18

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served within the **Consent Agreement** upon the person hereafter named, by placing the same in an envelope, securely wrapped, in the United States Mail, via certified mail, return receipt requested, and via first class mail, properly addressed to the said person hereafter named, at the place and address stated below, which is the last known address for the same:

Cynthia M. Willimon

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION



Administrator
LLR-Office of Board Services
Post Office Box 11329
Columbia SC 29211 1329

12/18/ 2014.